

REMARKS

This amendment is in response to the Official Action dated March 17, 2009. The specification and Claims 1-3 have been amended. Claims 1-15 remain in the application with Claims 1, 10 and 15 being the only independent claim. Favorable reconsideration, in view of the above amendments and accompanying remarks, is respectfully requested.

Attached to this Amendment is an Declaration under 37 C.F.R. 1.131 of Danny R. Milot which states that the invention defined in Claims 1, 10 and 15 of the instant application was conceived in this country prior to the July 21, 2004 filing date of the Clark U.S. Publication No. 2005/0033549 A1 coupled with due diligence from prior to said date to the filing of the present application. As will be discussed below, the Declaration is used to remove the Clark publication as prior art relative to Claims 1 and 10.

In paragraphs 1-4 of the Official Action, the Examiner has objected to the disclosure for the reasons noted therein. The specification has been amended to correct the informalities noted by the Examiner in paragraphs 3 and 4 of the Official Action. With respect to the informality noted by the Examiner in paragraph 2 of the Official Action, it is respectfully submitted that the equation in paragraph 00024 of the specification is correct and no changes have been made to such equation.

In paragraphs 5 and 6 of the Official Action, the Examiner has rejected Claims 1-3 under the provisions of 35 U.S.C. 101 for the reasons noted therein. It is believed that the above changes to Claims 1-3 overcomes this rejection.

In paragraphs 7-8 of the Official Action, the Examiner rejected Claims 1, 2, 5, 9 and 15 under the provisions of 35 U.S.C. 103(a) as being unpatentable over Watson (US 7057503 B2) in view of Yeh et al. (US 6542073 B2) and Clark (US 2005/0033549 A1).

As discussed above, it is believed that the attached Declaration removes the Clark publication as prior art relative to Claim 1 of the instant application. Accordingly, it is believed that Claims 1, along with dependent Claims 2-9 and 15, are patentable over the cited references.

In paragraph 9 of the Official Action, the Examiner has rejected Claims 3 and 4 under the provisions of 35 U.S.C. 103(a) as being unpatentable over Watson (US 7057503 B2) in view of Yeh et al. (US 6542073 B2) and Clark (US 2005/0033549 A1)

and further in view of Mancuso et al. (US 7404317 B2). Claims 3 and 4 depend from Claim 1 and thus, are believed to be patentable for those reasons discussed above with respect to Claim 1.

In paragraph 10 of the Official Action, the Examiner has rejected Claims 6-8 under the provisions of 35 U.S.C. 103(a) as being unpatentable over Watson (US 7057503 B2) in view of Yeh et al. (US 6542073 B2) and Clark (US 2005/0033549 A1) and further in view of Applicant's admitted prior art). Claims 6 and 8 depend from Claim 1 and thus, are believed to be patentable for those reasons discussed above with respect to Claim 1.

In paragraph 11 of the Official Action, the Examiner has rejected Claims 10-14 under the provisions of 35 U.S.C. 103(a) as being unpatentable over Watson (US 7057503 B2) in view of Yeh et al. (US 6542073 B2), Clark (US 2005/0033549 A1) and Barta al. (US 2003/0055549 A1).

As discussed above, it is believed that the attached Declaration removes the Clark publication as prior art relative to Claim 10 of the instant application. Accordingly, it is believed that Claim 10, along with dependent Claims 11-14, are patentable over the cited references.

In view of the above amendments and accompanying remarks, it is believed that the application is in condition for allowance. However, if the Examiner does not believe that the above remarks and amendments place the application in condition for allowance, or if the Examiner has any comments or suggestions, it is requested that the Examiner contact Applicants' attorney at (419) 255-5900 to discuss the application prior to the issuance of an action in this case by the Examiner.

Respectfully submitted,

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